



Human Rights Report

Kentucky Commission on Human Rights Quarterly Newsletter

Summer 2002

Family Courts

Human Rights

What's the connection?

The Kentucky Supreme

Court Chief Justice says that what Kentucky family courts don't do is as important as what they do.

"You won't see criminal, traffic or probate cases tried," the Honorable Joseph E. Lambert said.

What you will see is a system of courts devoted, exclusively, to cases involving children and families.



Photo Admin. Ofc. of the Courts
Joseph E. Lambert, Kentucky Supreme Court Chief Justice

"Families get the very highest priority and they don't have to wait in line," he said.

In the November elections, voters will decide whether to pass a state constitutional

amendment that makes family court an official division of circuit court. Currently the family courts in 26 Kentucky counties operate as a pilot program and serve about 1.5 million people. If the law passes, family courts can be established in the remaining 94 counties (2.5 million people).

This focus on family law allows a special approach to case management, Justice Lambert said. When a family first comes into the system for matters such as child support, divorce, domestic violence or problems relating to a youth beyond parental control, a single

family court judge is identified to follow the family through any future legal proceedings.

In counties where there is no family court, members of a single family may go before any number of judges over time regarding their individual legal cases.

The cases affect the entire family and problems surrounding one case may even contribute to legal issues that arise for other members.

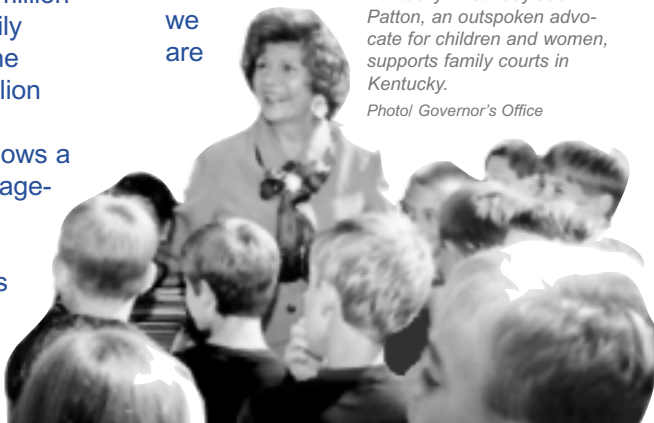
When the connection is addressed, Justice Lambert said, the family as a unit doesn't fall through the cracks. "The judges get to know these people, understand their problems and unique circumstances and, we believe, can help improve the circumstances of the families," he said.

Kentucky First Lady Judi Patton supports the amendment.

"If we are

Kentucky First Lady Judi Patton, an outspoken advocate for children and women, supports family courts in Kentucky.

Photo Governor's Office



going to stop the abuse and neglect of children, protect women, and

help juveniles, it is no longer adequate to adopt the solutions of the generations that have come before us," she said.

Children's and women's protection issues have been a central interest for Ms. Patton. "Family courts are a new solution, one which ensures that courts focus on children and families, not just on cases," she said.

Many of the cases heard in family courts deal with domestic violence, child abuse and child support, the chief justice said. "These most always address the rights of women as well as children."

Family court judges make extensive use of social services. Cases may deal with alcohol, drugs, mental health and other matters that can be improved by counseling and treatment, he said.

"When it comes to juvenile matters, these courts take an aggressive approach to improving the lives of young people," he said.

The family court system would not cost taxpayers additional funding. It works by re-allocating existing caseloads, the chief justice said.

"But, if we can prevent by judicious and appropriate application, societal problems and the breakdown of families, which often result in the imprisonment of young people, any necessary expenditure would be money well spent," he said.

From the desk of

Beverly Watts

Executive Director



New report on women and minorities in Ky. government

Some goals met, but improvement needed

Published in June – *The Status of Women and Minorities in Kentucky State Agencies; an analysis of employment, job levels and salaries* – revealed factors covering the last four years that we must address: 1) the slow rate of increasing female and minority employment; 2) an unchanging percentage of African-American employees, which is not reflective of population increases; 3) continuing salary gaps for minorities and women; 4) and, a lagging-behind by some cabinets to solve discrepancies and meet goals.

Over the past 30 years, the Commission periodically publishes reports that study employment practices in Kentucky government agencies.

The new report illustrates data in the 15 cabinets, and the departments and constitutional offices of the state. It also serves as an evaluation of the Affirmative Action Plan (AAP) of 1996.

Between January 1997 and December 2001, women gained 1,748 jobs compared to 991 new jobs for men. Do not be misled by a first glance at those numbers; the increase was less than 1 percent over four years, from 49 percent to 49.8 percent.

By the end of 2001, the state had 19,050 women employees in a workforce of 38,259. This num-

ber fell significantly short of the AAP goal of 52.42 percent women.

AAP goals are based on population ratios in Kentucky.

Setting a positive precedent, the state has surpassed its minority workforce goal of 7.52 percent during the last six, 6-month Affirmative Action reporting periods, reaching 7.64 percent.

In addition, minority employment rose from 7.15 percent to 7.82 percent during our own study period.

Yet, like the female workforce numbers, these gains are less than 1 percent, for a total of 2,992 minority employees by the end of 2001.

Moreover, African-American employment remained at 7 percent for the last 11 years, even though the African-American state population increased from 7.1 percent in 1990, to 7.3 percent (an increase of over 30,000 people) in 2000.

Employment of other minorities, however, increased by 2 percent of the total minority workforce to 9.7 percent. This means the workforce has grown in diversity, a positive step stimulated by Governor Patton's hiring initia-

tives.

These achievements establish an important benchmark by which state government may move forward, but are by no means indicators that Kentucky has reached balance and equity in its government workforce.

Salary gaps between men and women, and between whites and minorities slowly improved by two cents and three cents, respectively, existing now at an overall 90 cents to the white male dollar. This is better than the national average of 73 cents on the dollar. Even so, the gap is unacceptable. A 10 percent differential looked at on a per annum basis looms largely to the two groups already marginalized as the nation's poorest.

There were solid improvements made by several cabinets: nine met their goals for women; six met their goals for minorities; seven narrowed salary gaps between men and women; and six narrowed salary gaps between minorities and whites.

However, other statistics are disturbing.

Since 1989, three cabinets have ranked at the bottom in female employment: Natural Resources and Environmental Protection, Justice and, Transportation, which had the worst numbers, with a workforce made of only 19.98 percent

women, a staggering 32.44 percent below its goal.

Male – female salary gaps grew worse in eight cabinets. In Revenue, the gap more than tripled; in Natural Resources and Environmental Protection it almost doubled.

Five cabinets continued to fall short of their minority employment goals, and minority salary gaps grew worse in nine cabinets. In some cases, minorities began the study period making

more, on average, than whites, but made less by the end of 2001. In the worst instance, the Cabinet for Economic Development minority employees had averaged \$8,400 more than whites in 1997, but by the end of 2001, were making \$3,379 less. Also, the salary gap more than doubled in the Labor Cabinet.

While it's important to acknowledge the strides made in the state government workforce,

it would be a mistake to minimize the serious need for more improvement.

Meeting the overall minority employment goal during the last 36 months lays a good foundation. However, there is a long way to go in order to have a state workforce that reflects our diversity. Our strength lies in citizens. We must utilize the talents of all our citizens – especially women and minorities.

Partners Page

Louisville-Jefferson County Commission names executive director



Photo/Brian Bohannon/LEO 2002 Copyright

Kellie Watson, executive director of the Louisville-Jefferson County Human Relations Commission.

Kellie Watson is the new Louisville-Jefferson County

Human Relations Commission executive director. She has been in the position

since June.

The 27-year old attorney was previously the City of Louisville Office of Affirmative Action director since August 2000.

She is a graduate of the University of Louisville, with a degree in political science. She received her law degree at Vanderbilt University Law School.

Her first focus at the commission is two-fold: "We are working to ensure timely investigations, and we also plan to increase outreach and education so the community understands the services we provide," she said.

The Commission currently has a volume of complaints

spread evenly among the public accommodation, housing and employment arenas, she said.

On August 22nd at Memorial Auditorium in Louisville, the Louisville-Jefferson County commission collaborated with the Kentucky Commission on Human Rights, the Louisville Urban League, and the Metropolitan Housing Coalition for a round table on predatory lending. It included discussion among local commissions, housing experts, professionals and the local public.

All Kentucky local commissions are invited to publish news in our newsletter. Please call Public Information Officer Victoria Dempsey at 502.595.4024 or 1.800.292.5566.



KENTUCKY COMMISSION ON HUMAN
RIGHTS
332 W. BROADWAY
SUITE 700
LOUISVILLE, KY. 40202
502.595.4024
800.292.5566
kchr.mail@mail.state.ky.us
www.state.ky.us/agencies2/kc
hr

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Beverly Watts
Executive Director

Louisville leader becomes 32nd Great Black Kentuckian

The late Rev. Dr. W. J. Hodge, a civil rights leader, pastor and the first black president of the Louisville Board of Aldermen, was honored as the 32nd



member of the Gallery of Great Black Kentuckians. The Kentucky Commission on Human Rights unveiled the newest poster in front of about 125 people in the morning service at Fifth Street Baptist Church where Dr. Hodge served for over 30 years, and where his son, Rev. Phillip Hodge is currently pastor.

The ceremony took place during the Sunday morning service on Father's Day, June 16, at the church, located at 1901 W. Jefferson Street in Louisville.

The event was covered by the Courier-Journal newspaper and local television media.

"It is our honor to recognize Dr. Hodge as a truly great black Kentuckian," said Beverly Watts, KCHR executive director. "By making him a part of Kentucky's official history, children and future generations will have the opportunity to learn about a most valued leader and role model."

Dr. Hodge became a civil rights activist after he was denied a cup of coffee in a restaurant in 1957, the same year he arrived in Louisville. He fought for civil rights during the disturbing years before the passage of the Civil Rights Act of 1964 and the Kentucky Civil Rights Act of 1966.

He was a well-known member of the Jefferson County community

where he made many contributions toward the betterment of humankind. In addition to his ministry at the church, he served on the Louisville Board of Aldermen, representing the Tenth Ward, for eight years before becoming board president. He held other positions including Old Louisville School Board adviser, Council on Religion and Race first vice-president, and Simmons Bible college president. He served in several offices for the Progressive National Baptist Congress of Christian Education, including that of president.

He received many official honors throughout his lifetime, including the renaming of South 21st Street in Louisville in 1990, as Dr. W. J. Hodge Street.

Dr. Hodge died on Dec. 26, 2000, and was buried in the historical Cave Hill Cemetery in Louisville.

The Commission introduced the Gallery series in 1970, to recognize the achievements of African Americans who were neglected in traditional histories of the state, and to introduce African American history into Kentucky classrooms. The display is kept at the Commission's office in Louisville; free posters are provided to schools, libraries and the public upon request. Matching bookmarks are also available.



Rev. Phillip Hodge celebrated a special Father's Day in the service that recognized his father.

Wal-Mart guilty of racial discrimination



Above are KCHR Executive Director Beverly Watts, Johnnie Hines and KCHR attorney Morgan Ransdell. At right is Lottie Burden.

The Kentucky Commission on Human Rights ordered Wal-Mart Stores Inc. to pay a total of \$40,000 damages to two former employees for discrimination. The company will not appeal.

The Commission entered a final order on June 6, finding Wal-Mart guilty of discriminating against Lottie Burden and Johnnie Hines of Logan County, Ky., on the basis of race. They received their conciliation checks from Wal-Mart for \$20,000 each at Commission headquarters in July.

Commissioners Henry Curtis of Frankfort, Deborah Kent and Y. Denise Payne Wade, both of Louisville, wrote the decision, in consultation with Chair Priscilla Johnson of Lexington, and the Commission.

Ms. Burden, white, and Mr. Hines, African-American, were employees at the Russellville, Ky. Wal-Mart receiving department on Aug. 17, 1989, when management terminated the interracial couple for violating the company's fraternization and nepotism policies.

The store first denied

Burden's request that she and Hines be allowed to date, even though the store allowed other employees, white, to date one another. It was discovered that all-white couples violated Wal-Mart's fraternization policy but had not been terminated.

Although Burden and Hines were dating, they denied the company's allegations that they violated the nepotism policy. The couple later married and are now divorced.

"There were couples in the store who were dating," Ms. Burden said. "The only difference in them and us was they were both white and our situation was a black male and white female."

In his testimony, a Wal-Mart manager admitted he handled Burden's and Hines' request to date differently from other requests because he felt pressure from other employees about the "black/white thing." He told the couple permission to date was being denied by the store based on rumors and problems caused from the relationship. "I do believe race had a lot to do with there being a decision at all," he said.

In addition to damages awarded to the complainants for embarrassment and humiliation, Wal-Mart will have to provide diversity training for all personnel at the Russellville store and report to the Commission.

The Commission first ruled on this case in 1991, after efforts to conciliate failed. The Commission then found Wal-Mart guilty of discrimination and ordered the company to pay the couple a total of \$17,500. Wal-Mart appealed the decision on procedural grounds to the Logan Circuit Court, which vacated the Commission's Order.

The Commission appealed, and in 1996, the Kentucky Court of Appeals reversed the circuit court and remanded the case to the court, which then remanded it to the Commission for recommendation by hearing officers who previously heard the case.

The Commission issued a final order on Oct. 25, 1996, which again found Wal-Mart guilty. Wal-Mart appealed, alleging new procedural errors.

Logan Circuit Court reversed the Commission decision on procedural grounds surrounding the hearing officer's recommendation.

The circuit court issued an amended opinion on Nov. 29, 2001, directing the Commission to submit the matter to a new hearing officer and remanding it to the Commission on procedural grounds alone.

KCHR approves 13 conciliations

The Kentucky Commission on Human Rights approved 13 conciliation agreements at its regular meeting on June 4th in Louisville, totaling over \$32,000. Conciliation agreements are not admissions by any respondents of any violations of the law. All respondents deny any allegations of violations of the law. Conciliations are reached through KCHR negotiations between the plaintiffs and respondents.

Marshall v. Moss d/b/a Dixie Mobile Home Park: Steven Marshall of Radcliff alleged discrimination based on disability in housing. Mr. Marshall claimed that Dixie Mobile Home Park of Radcliff evicted him due to perceived disability. In a conciliation, the company agreed to compensate Mr. Marshall in the amount of \$500, participate in Fair Housing Law training, and provide eviction records to the Commission over the next three years.

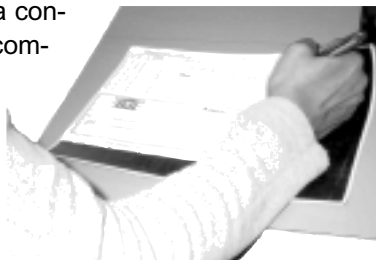
Pilcher v. Moss d/b/a Dixie Mobile Home Park: Debbie Pilcher of Radcliff alleged discrimination based on disability in housing. Ms. Pilcher claimed that Dixie Mobile Home Park evicted her due to perceived disability. In a conciliation, the company agreed to compensate Ms. Pilcher in the amount of \$500, participate in Fair Housing Law training and provide eviction records to the Commission over the next three years.

In the matter of Law v. Moss d/b/a Dixie Mobile Home Park: Ira and Janice Law of Radcliff alleged discrimination based on race, black, in housing. Mr. And Ms. Law claimed that Dixie Mobile Home Park evicted them because of their interracial

marriage. In a conciliation, the company agreed to compensate the Laws in the amount of \$500, each, participate in Fair Housing Law training, and provide eviction records to the Commission over the next three years.

Hurt v. Greyhound Bus Lines: Sandra Hurt of Glasgow alleged discrimination based on disability in a public accommodation. Ms. Hurt claimed Greyhound Bus Lines in Bowling Green failed to provide disabled seating for her after she requested a reasonable accommodation, and, therefore, she was denied the full and equal enjoyment of services for which she had paid. In a conciliation, Greyhound agreed to compensate Ms. Hurt in the amount of \$1,200, require the bus driver to participate in the Americans With Disabilities Act training program, and require sensitivity training for all employees at the Bowling Green depot who have contact with the public.

Pond v. Kmart Store #9651: Crystal Pond of Lancaster alleged discrimination based on disability in employment. Ms. Pond



claimed the Kmart Store in Danville terminated her employment

because of perceived disability. In a conciliation, Kmart agreed to compensate Ms. Pond in the amount of \$1,250 and report to the Commission for three years.

Robinson v. Kay and Kay Contracting Inc.: Jesse Robinson of Harlan alleged discrimination based on race, black, in employment. Mr. Robinson claimed he was subjected to a hostile work environment due to his race and then laid off in retaliation for complaining about the harassment. In a conciliation, Kay and Kay agreed to compensate Mr. Robinson in the amount of \$12,500, provide a neutral job reference, and report to the Commission for three years, to include an onsite visit by the Commission.

Huff v. Transylvania University: Barthel Huff of Salt Lake City, Utah, alleged discrimination based on age (over 40) in employment. Mr. Huff claimed the university did not fully consider his job application because the selection process was

biased in favor of younger applicants. In a conciliation, Transylvania agreed to compensate Mr. Huff in the amount of \$500 and report to the Commission over the next three years.

Milligan v. ResCare Inc.: Stacy Milligan of Frankfort alleged discrimination based on race, black, in employment. Ms. Milligan claimed she was disciplined more harshly than white workers and eventually terminated because of her race. In a conciliation, ResCare agreed to compensate Ms. Milligan in the amount of \$3,500 and report to the Commission over the next three years.

Jones v. Master-Halco Inc.: Sharon Jones of Louisville alleged discrimination based on age (over 40) in employment. Ms. Jones claimed Master-Halco of La Habra, Calif., Louisville branch, retained for employment, a younger person with less qualifications, seniority and competency than Ms. Jones. In a conciliation, Master-Halco agreed to compensate Ms. Jones in the amount of \$5,000. The company no longer operates in Kentucky so no reporting period was required.

(see next page)

Howard v. Krystal Restaurant: James Howard of Middlesboro alleged discrimination based on race, black, in employment. Mr. Howard claimed Krystal Restaurant of Middlesboro terminated him after an injury even though he had a bona fide physician's statement, contrary to the company policy and procedure. In a conciliation, the company agreed to compensate Mr. Howard in the amount of \$2,000 and report to the Commission over the next three years.

Hubbard v. Tyson Foods Inc.: Mark Hubbard of Henderson alleged discrimination based on race and disability in employment. Mr. Hubbard claimed Tyson Foods of Robards denied him employment due to a perceived disability and his race. In a conciliation, the company agreed to compensate Mr. Hubbard in the amount of \$3,500 and report to the

Commission over the next three years.

Edwards v. Dickman d/b/a Dickman Apartments Inc.: Brian and Heather Edwards of Erlanger alleged discrimination based on familial status in housing. Mr. And Ms. Edwards claimed apartment owner Robert Dickman of Covington denied them apartment

KCHR enforces the Kentucky Civil Rights Act, which prohibits discrimination based on race, sex, religion, national origin, age (over 40), color, disability, familial status, retaliation in employment, housing, public accommodation, and financial services. Complaints that cannot be dismissed, settled or conciliated, go to administrative hearing, where Commission decisions have the authority of a court of law.

rental because they have one child, and Ms. Edwards is pregnant with their second child. In a conciliation, Dickman Apartments agreed to compensate the Edwards in the amount of \$1,000, participate in Fair Housing Law training, and

monitoring by the Commission.

Smith v. Dickman d/b/a Dickman Apartments Inc.: Shirley Smith of Fort Wright alleged discrimination based on familial status in housing. Ms. Smith claimed Dickman Apartments Inc. denied her apartment rental because she has children. In a conciliation,

Dickman Apartments agreed to compensate Ms. Smith in the amount of \$500, participate in Fair Housing Law training, monitoring by the Commission, and to enforce a policy, which makes the apartment complex available to all individuals regardless of family composition.

In other business, the Commission dismissed 35 discrimination complaints with findings of no probable cause. The Commission accepted one withdrawal with settlement.

People in action

KCHR joined by new staff

Arthur Kaufman Jr. was recently hired as enforcement branch manager. He is retired from the U. S. Air Force where he served as quality improvement director, squadron commander, and inquiries and complaints officer. He has a bachelor's degree in commerce from the University of Louisville and a master's degree in systems management from the University of Southern California. He heads the department of 20 staff members who receive and investigate discrimination complaints.

Juan Pena is the education and outreach coordinator, a new position to carry out fair housing initiatives in Kentucky Hispanic commu-

nities. The work is funded by a Fair Housing Initiatives Program (FHIP) grant. He has worked for a number of non-profit organizations that focus on the Hispanic population. He has a bachelor's degree in economics from Berea College and a master's degree in community economic development from Southern New Hampshire University.

Gary Wathen is the network analyst, providing technological expertise and support for the agency computer and Internet systems. He previously worked at Kentucky State University as a systems and support technician for the school. He has a bachelor's degree in computer science and a master's degree in public administration spe-

cializing in management information systems from Kentucky State University. He serves as a Captain in the U. S. Army Reserve.

A fond farewell and a promise

Leslie Jones, KCHR enforcement division manager for just under 10 years, resigned in May. She is currently enjoying time with her family before embarking on any new endeavors, she said.

The Commission honored Ms. Jones at a special party and awarded her during the Commission meeting in July for the exemplary contributions during her tenure.

"I'll be out there continuing the fight," she promised colleagues. "You can count on that."

Kentucky Commission on Human Rights

The Heyburn Building, Suite 700

332 W. Broadway

Louisville, Kentucky 40202

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Inside this edition...



Photo/ Ky. Administrative Office of the Courts

What does Kentucky's Chief Justice (front and center) have to say about a Kentucky constitutional amendment voters will decide on in the next elections?

See the front page.